Juvenile Justice Benchbook: Delinquency and Criminal Proceedings



Michigan Judicial Institute

Funding provided by a grant from the Michigan Justice Training Commission

By Tobin L. Miller, J.D.

Under the direction of the Juvenile Justice Benchbook Revision Advisory Committee

Michigan Judicial Institute Michigan Hall of Justice PO Box 30205 Lansing, MI 48909 517 373 7171

Michigan Supreme Court

- Hon. Maura D. Corrigan, Chief Justice
- Hon. Michael F. Cavanagh, Hon. Elizabeth A. Weaver, Hon. Marilyn Kelly, Hon. Clifford W. Taylor, Hon. Robert P. Young, Jr., Hon. Stephen J. Markman, *Justices*
- John D. Ferry, Jr., State Court Administrator

Michigan Judicial Institute Staff

- Dawn F. McCarty, Interim Director
- Cathy L. Cecot, Program Assistant
- Anne M. DeMarco, Program Assistant
- Vickie L. Eggers, Distance Learning Specialist
- Sheila J. Kallish, Program Assistant
- Vicky Kruckeberg, Learning Center Coordinator
- Denise D. Kruger, Administrative Assistant
- Cynthia J. Kruska, *Program Manager*
- Mary Ann McDaid, Multimedia Specialist
- Tobin L. Miller, Judicial Education Team/Publications Team Program Manager
- Tricia A. Shaver, Program Assistant
- Lori Ann Sheets, Technology/Conference Center Assistant
- Thomas Smith, Research Attorney
- Peter C. Stathakis, *Program Manager*
- Jennifer D. Warner, Research Attorney
- Cathy Weitzel, Judicial Education Coordinator/Conference Center Coordinator

The research done on this benchbook is current through February 4, 2003. This benchbook is not intended to be an authoritative statement by the Justices of the Michigan Supreme Court regarding any of the substantive issues discussed. However, it does represent the consensus of the author and the advisory committee members regarding these issues.

Acknowledgments

The Juvenile Justice Benchbook: Delinquency & Criminal Proceedings (Revised Edition) was funded by a grant from the State of Michigan, Department of State Police, Michigan Justice Training Commission. The Michigan Justice Training Commission also funded the first edition of this publication. The Michigan Judicial Institute (MJI) thanks the Michigan Justice Training Commission for its generous support.

Although this benchbook is primarily intended for use by Circuit Court judges and referees presiding over delinquency cases and criminal cases involving juveniles, it also contains information useful to law enforcement officers, court personnel, prosecuting attorneys, and defense attorneys. It is hoped that the benchbook will be of use to anyone who participates in the juvenile justice system in Michigan.

Work on both the first edition and the revised edition of this publication was overseen by Advisory Committees made up of judges, referees, probation officers, prosecuting attorneys, defense attorneys, court administrators, and other experts. The Advisory Committee members assisted the author in selecting topics for discussion and organizing the material in both editions of the benchbook. They spent many hours reviewing drafts of each chapter as both editions of this benchbook were prepared. MJI gratefully acknowledges the time, helpful advice, and expertise contributed by the Advisory Committee members.

The Advisory Committee members for the first edition of the *Juvenile Justice Benchbook* were:

William P. Bartlam

Deputy Court Administrator 6th Circuit Court Oakland County

David S. Batdorf-Barnes

Attorney Referee 44th Circuit Court Livingston County

Hon. Joseph A. Costello, Jr.

Circuit Judge Assigned to Family Division 38th Circuit Court Monroe County

Susan M. Dehncke

Asst. Prosecuting Attorney Jackson County

Hon. Susan L. Dobrich

Probate Judge Assigned to Family Division 43rd Circuit Court Cass County

Jeffrey R. Fink

Asst. Prosecuting Attorney Kalamazoo County

Debra A. Gutierrez-McGuire

Asst. Defender State Appellate Defender

Jennifer A. Pilette

Asst. Defender State Appellate Defender

Hon. Gary K. Reed

Probate Judge Assigned to Family Division 37th Circuit Court Calhoun County

Thomas C. Robison

Court Administrator 56th Circuit Court Eaton County

Douglas W. Slade

Court Administrator 9th Circuit Court Kalamazoo County

Hon. Karen A. Tighe

Probate Judge Assigned to Family Division 18th Circuit Court Bay County

Lisa K. Tomko

Asst. Prosecuting Attorney Oakland County

Hon. Joan E. Young

Circuit Judge Assigned to Family Division 6th Circuit Court Oakland County The Advisory Committee members for the revised edition of the *Juvenile Justice Benchbook* are:

Mr. David Batdorf-Barnes

Juvenile Referee Livingston County Probate Court

Mr. William Bartlam

Deputy Court Administrator Oakland County Probate Court

Mr. David R. Buck

Supervisor 30th Circuit Court - Family Division

Hon. Robert J. Butts

Chief Judge Cheboygan County Probate Court

Hon. Charles D. Corwin

Chief Judge 28th Circuit Court

Hon. Graydon Dimkoff

Chief Judge Newaygo County Probate Court

Hon. Patricia D. Gardner

Kent County Probate Court

Ms. Catherine P. Good

Juvenile Division Administrator Montcalm County Probate Court

Hon. Mabel Johnson Mayfield

Berrien County Probate Court

Hon. W. Wallace Kent, Jr.

Chief Judge

Tuscola County Probate Court

Ms. Cynthia Morley

Saginaw County Juvenile Court

Mr. Robert F. Nida

Trial Court Administrator 5th Circuit Court - Family Division

Hon. Gregory Pittman

Muskegon County Probate Court

Mr. Richard Scott Ryder

Referee

9th Circuit Court

Ms. Marlys Schutjer

Interim Director, Bureau of Juvenile Justice

Family Independence Agency

Ms. Cynthia J. Sherburn

3d Judicial Circuit Office of Legal Counsel - Family Division

Mr. George M. Strander

Management Analyst State Court Administrative Office

Mr. Frank E. Vandervort

Program Manager Michigan Child Welfare Law Resource Center University of Michigan Law School

The revised edition of this benchbook was researched and written by MJI Publications/Program Manager Tobin Miller. Mary Ann McDaid, MJI Multimedia Specialist, provided the cover art and page layout design, and coordinated reproduction and publishing. Lori Ann Sheets and Tricia Shaver, MJI Program Assistants, distributed draft chapters to the committee members.

The Michigan Judicial Institute was created in 1977 by the Michigan Supreme Court. MJI is responsible for providing educational programs and written materials for Michigan judges and court personnel. In addition to formal seminar offerings, MJI is engaged in a broad range of publication activities, services, and projects that are designed to enhance the professional skills of all those serving in the Michigan court system. MJI welcomes comments and suggestions. Please send them to: Michigan Judicial Institute, Michigan Hall of Justice, P.O. Box 30205, Lansing, MI 48909, (517) 373-7171.